



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-2
AGENDA DATE: Thu 02/05/2004
PAGE: 1 of 1

SUBJECT: C14R-85-149.70 (RCA) - Parmer Lane Baptist Church - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 1605 West Parmer Lane (Walnut Creek Watershed) . Zoning and Platting Commission Recommendation: To grant the Restrictive Covenant Amendment. Applicant: Parmer Lane Baptist Church (Edgar W. Hudgins). Agent: Wallace Group (Vana Profit). City Staff: Sherri Gager, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C14R-85-149.70 (RCA)

Z.A.P. DATE: January 6, 2004

ADDRESS: 1601-1605 West Parmer Lane, 12400-12436 Scofield Farms Drive

OWNER/APPLICANT: Parmer Lane Baptist Church
(Edgar W. Hudgins)

AGENT: Wallace Group
(Vana Profit)

EXISTING ZONING: MF-2
GR-CO

AREA: 7.936 acres
3.961 acres
Total = 9.604 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the amendment to the restrictive covenant to delete the requirement under Section 8, that prohibits an access driveway to Parmer Lane.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

1/6/04: Approved staff's recommendation, by consent (9-0); J. Martinez-1st, J. Donisi-2nd.

DEPARTMENT COMMENTS:

The applicant is requesting an amendment to the restrictive covenant associated with zoning case C14-85-149.70, the North Lamar Area Study, to delete restrictions that prohibit access from an 11.897 acre tract of land (Exhibit C from the 1986 restrictive covenant) to Parmer Lane. The applicant's request letter is included as Attachment A to this report.

The church owns 9.604 acres of land out of the 11.897 acre tract that is restricted by Section 8 of the restrictive covenant (Original Restrictive Covenant - Attachment B). The applicant believes that there was an oversight and that the restrictive covenant should have been amended while this area was being rezoned in 1998 during case C14-98-0021. In the report for zoning case C14-98-0021, which rezoned the northern portion of the site to GR-CO, the staff specifically speaks to fact that the property has access to Parmer Lane, which is classified as a major arterial roadway (Item # 3 under "Basis for Recommendation"- Attachment C). In addition, when the property was resubdivided into 4 lots in 1998 (C8-98-0031.0A - Attachment D), the subdivision plat note # 31 states that, "Joint access will be provided to Parmer Lane from Lots One (1) and Two (2)."

The staff is recommending the applicant's request to delete Section 8 of the restrictive covenant based on the reasonable need for a commercially zoned property to have access to a major arterial roadway. The North Lamar Area Study designated this property for office land use and since this study was adopted in 1985, the City Council approved commercial zoning for the front portion of this tract of land on May 14, 1998. The staff believes that conditions in this area have changed since the North Lamar Area Study was completed and that there is adequate evidence to show that there was an established intent for property located at 1605 W. Parmer Lane to have access to this principal roadway.

The transportation staff has reviewed this amendment request and has no objections to the proposed changes to the restrictive covenant.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO	Church
<i>North</i>	CS-CO, GR	Retail Shopping Center
<i>South</i>	SF-3, SF-2	Duplexes
<i>East</i>	LO	Assisted Living
<i>West</i>	LR, SF-3	Automotive Repair, Undeveloped, Duplexes

AREA STUDY: North Lamar Area Study**TIA:** N/A**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

- 37 -- Lamplight Village Area Neighborhood Association
- 64 -- River Oaks Lakes Estates Neighborhood
- 114 -- North Growth Corridor Alliance
- 480 -- Scofield Farms Residents Association
- 511 -- Austin Neighborhoods Council
- 902 -- Scofield Residential Owners Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0048	LR to GR	5/21/02: Approved staff's recommendation of GR-CO zoning by consent (8-0, A. Adams-Not yet arrived)	6/27/02: Approved GR-CO (7-0); all 3 readings
C14-01-0044	GR to CS	5/8/01: Approved staff rec. of CS-CO by consent (8-0)	7/19/01: Approved CS-CO w/ addition of prohibiting pawn shops (6-0); all 3 readings
C14-01-0043	GR to CS-1	5/8/01: Approved staff rec. of CS-1-CO w/ conditions, prohibit free standing CS-1 use (8-0)	7/19/01: Approved CS-1-CO w. addition of prohibiting pawn shops (6-0); all 3 readings
C14-00-2033	SF-3 to GR	3/28/00: Approved staff's rec. of LR-MU-CO by consent (5-0); limit vehicle trips to 315/ day	5/11/00: Approved PC rec. of LR-MU-CO by consent (7-0); all 3 readings
C14-00-2023	SF-1 to LO	4/18/00: Denied LO zoning (8-0)	6/1/00: Denied rezoning request (4-3, KW/BS/DS-Nay)
C14-99-2067	GR, GO to GR	1/18/00: Approved GR-CO by consent (9-0)	2/17/00: Approved GR-CO (7-0); all 3 readings
C14-99-0008	GR-CO to GR-CO	2/9/99: Approved staff rec. of GR-CO by consent (9-0)	2/25/99: Approved PC rec. of GR-CO w/conditions (7-0); all 3 readings

C14-96-0062	LR to GR	6/4/96: Approved GR (8-0)	7/11/96: Approved GR-CO w/ conditions (6-1); 1 st reading 8/22/96: Approved GR-CO w/ conditions (5-2); 2 nd / 3 rd readings
-------------	----------	---------------------------	---

RELATED CASES:

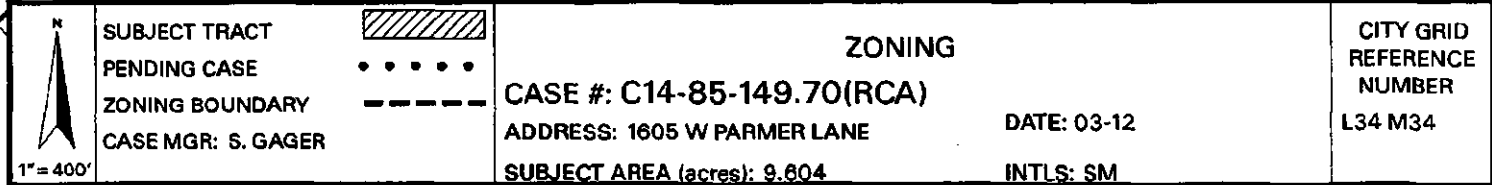
NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-98-0021	MF-2 to GR	4/14/98: Approved GR-CO w/ conditions (8-0); Limit site to 2,000 vehicle trips per day	5/14/98: Approved PC rec. of GR-CO (5-0); all 3 readings
C8-98-0031.0A	Resubdivision of Lot 4, Block B, Village at River Oaks Section Two	1/26/99: Approved staff rec. by consent (8-0)	—
C14-85-0149.70	RR to GR, MF-2, LO, and SF-2	Approved LO (Tracts a, b, &d), SF-2 (Tract c & e)	9/18/86: Approved LR (Tract 1), MF-2 (Tracts 2 & 3), LO (Tract 4), and SF-2 (Tract 5) 3/19/89: Corrective Ordinance changes original Tract 2 (7.930 acres) to LR (Ordinance No. 890406-G)

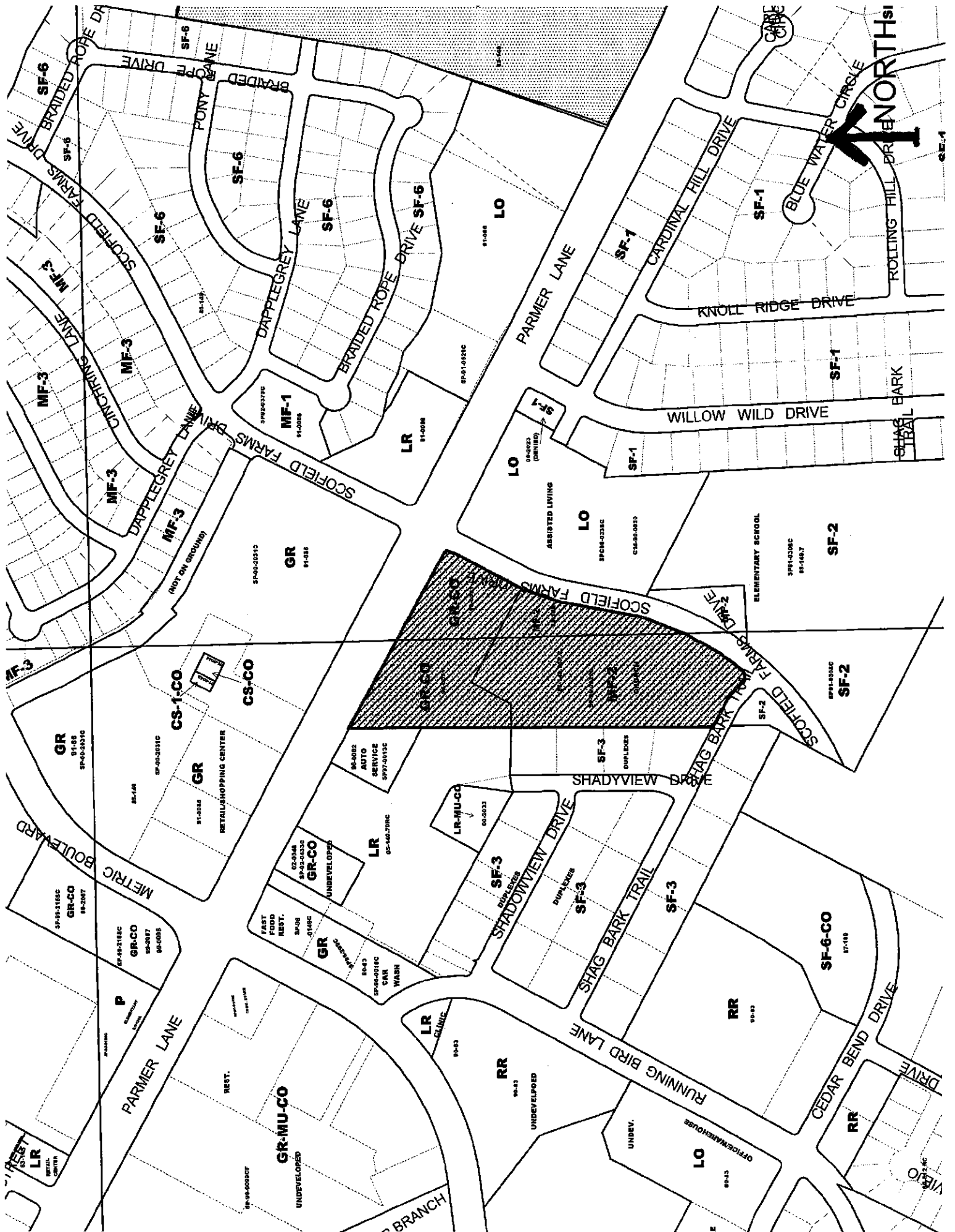
ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Parmer Lane	140'	Varies	Major Arterial	37,000 ('98)

CITY COUNCIL DATE: February 5, 2004**ACTION:****CASE MANAGER:** Sherri Gager**PHONE:** 974-3057

sherri.gager@ci.austin.tx.us









ENGINEERS
PLANNERS
SURVEYORS

WACO
KILLEEN
AUSTIN
DALLAS
ROUND ROCK

Dan Flaherty, R.P.L.S.
Sean Flaherty, R.P.L.S.
Kevin Hessel, R.P.L.S.
Luke Jackson, R.P.L.S.
George Jezek, A.I.A.
Mike Keahey, P.E., R.P.L.S.
Tony Krauska, P.E.
David Marek, P.E.
Ronald Morrison, P.E., T.C.E.M.
Mike Murphy, R.P.L.S.
Nicole L. Moser, P.E.
Dan Nixon, R.P.L.S.
Leslie D. Odom, R.P.L.S.
Scott Posey, R.P.L.S.
Lynn Simpson, R.P.L.S.
David P. Smith, P.E.
Darrell Vickers, A.I.A.
Ryan A. Virden, P.E.
George E. "Jed" Walker, Jr., P.E.
R.E. "Bob" Wallace, P.E., R.P.L.S.
Otto E. Wiederhold, P.E.
John F. Winkler, P.E.

Old Town Square
One Chisholm Trail
Suite 130
Round Rock, Texas 78681

(512) 248-0065
Fax (512) 246-0359
www.wallace-group.com

Attachment A

November 19, 2003

Joe Pantalione, Acting Director
Watershed Protection and Development Review Dept.
City of Austin
P.O. Box 1088
Austin, Texas 78767

Re: Amendment to Restrictive Covenant
Re: Zoning case C14-85-149

Dear Mr. Pantalione:

Attached is a restrictive covenant recorded in Volume 9922, Page 591, Real Property Records of Travis County, Texas, which is associated with the referenced zoning case on 40.693 acres south of Parmer Lane and east of Metric Boulevard. This restrictive covenant placed certain access restrictions to Parmer Lane. Refer to the attached exhibit and overlay showing Exhibits A-E referenced in the record document. The Exhibit C tract is an 11.897 acre tract which includes primarily the property owned by Parmer Lane Baptist Church. It also encompasses part of the Parmer Lane r.o.w., Scofield Farms Drive r.o.w., Shag Bark Trail r.o.w. and small portions of two lots on the east side of Scofield Farms Drive. This 11.897 acre tract was prohibited access to Parmer Lane by the 1986 restrictive covenant. This tract was zoned MF-2 by Zoning Ordinance 860918-E, as corrected in Ordinance No. 890406-G.

Subsequently, in 1998, 3.961 acres of the Parmer Lane Baptist Church property (Lot 4, Block B, Village at River Oaks Section Two) was rezoned to GR-CO by zoning ordinance 980514-C (File C14-98-0021). The church property was also resubdivided into 4 lots—3 commercial lots consisting of 3.850 acres with Parmer Lane frontage and 1 church lot behind the commercial lots. Plat note 31 states "Joint Access will be provided to Parmer Lane from Lots One (1) and Two (2)." The staff comments in the C14-98-0021 zoning case state that the tract has access to W. Parmer Lane which is classified as a major arterial. There is a letter in the zoning file from the Tanglewild Estates Neighborhood Association stating they had voted to not oppose the requested GR zoning change.

It is our assumption that amending the restrictive covenant was an oversight when the area began changing and being rezoned. As further evidence of this oversight, the Exhibit B 7.930 acre tract was restricted to one access by the 1986 restrictive covenant. Attached is a copy of a recorded subdivision plat of Village at River Oaks Section Five which covers a portion of the Exhibit B tract and shows two joint driveway easements to Parmer Lane within the Exhibit B frontage. Both of these driveways are in place and being used by adjacent businesses. These two driveways provide reasonable access to Parmer Lane. We ask for the same consideration.

We hereby submit an amendment to the restrictive covenant which removes the access restriction for the Exhibit C property. The subdivision plat provides a restriction for Lots 1 and 2 to share access, as mentioned above. Access for Lot 3 would need to comply with Principal Roadway driveway spacing. We request your assistance in correcting this oversight to fit the intent of the approved re-zoning case and resubdivision plat.

Page 2 of 2
Letter dated November 19, 2003
Re: Amendment to Restrictive Covenant

Your assistance in expediting this amendment would be greatly appreciated. The church is in need of clearing this matter up before a December 31st closing and it is our understanding that the amendment requires City Council approval.

Sincerely,

Vana H. Proffitt

A handwritten signature in black ink, appearing to read "Vana H. Proffitt", written over the printed name.

4 13 2987

2987

RESTRICTIVE COVENANT

Call 15-1117 to

Attachment B

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

WHEREAS, NASH PHILLIPS/COPUS, INC., of Travis County, Texas, is the owner of the following described property (hereinafter referred to as "PROPERTY"):

APPROXIMATELY 40.693 ACRES OUT OF THE WILLIAM B. HARRISON SURVEY IN TRAVIS COUNTY, TEXAS BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" HERETO ATTACHED FOR ALL PURPOSES.

WHEREAS, the City of Austin and NASH PHILLIPS/COPUS, INC. have agreed that the above-described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, NASH PHILLIPS/COPUS, INC., for and in consideration of ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, does hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on him, his successors and assigns, as follows:

1. All detached single family dwelling units located in the area of the "PROPERTY" zoned "SF-2", Single Family Residence, more particularly described in Exhibit "E" which is attached hereto and made a part hereof for all purposes, must have a gross floor area of not less than 1400 square feet, exclusive of open or screened porches, terraces, patios and driveways.

2. All lots located in the area of the "PROPERTY" zoned "SF-2", Single Family Residence, Exhibit "E", exclusive of lots in cul-de-sacs or panhandle lots, shall have a horizontal distance between the side lot lines of at least sixty-five (65') feet measured at the front lot line, and all lots located in the portion of the property zones "SF-2", Single Family Residence, Exhibit "E", shall have an average area of 7,000 square feet.

3. All detached single family dwelling units located in the area of the "PROPERTY" zoned "SF-2", Single Family Residence,

Exhibit "E", shall be constructed with not less than forty percent (40%) masonry.

4. There shall be constructed and thereafter properly maintained by the owners, their heirs and assigns, a wooden privacy fence along the eastern property line of the lots adjacent to River Oak Lake Estates Section 7.

5. Cardinal Hill Drive, Shag Bark Trail, and Cedar Bend Drive located in River Oak Lake Estates Section 7 to the east of the "PROPERTY" shall not be further improved or constructed to extend into the "PROPERTY".

6. Any multiple family development constructed upon the "PROPERTY", shall not exceed a density of fifteen (15) units per acre.

7. That certain tract of the "PROPERTY" more particularly described in Exhibit "B" which is attached hereto and made a part hereof for all purposes, shall have only one (1) access driveway onto Parmer Lane.

* 8. That certain tract of the "PROPERTY" more particularly described in Exhibit "C" which is attached hereto and made a part hereof for all purposes, shall have no access driveway onto Parmer Lane.

9. That certain tract of the "PROPERTY" more particularly described in Exhibit "D" which is attached hereto and made a part hereof for all purposes, shall have only one (1) access driveway onto Parmer Lane.

10. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing Agreement and Covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

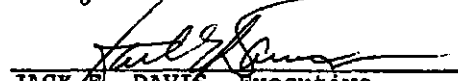
11. If any part or provision of this Agreement or Covenant herein contained shall be declared invalid, by judgment or court order, the same shall in nowise affect any of the other

provisions of this Agreement, and such remaining portion of this Agreement shall remain in full force and effect.

12. The failure at any time to enforce this Agreement by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

13. This Agreement may be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owners of the above-described property at the time of such modification, amendment or termination.

EXECUTED, this the 30 day of August, 1986.

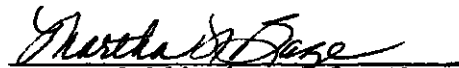

JACK E. DAVIS, Executive
Vice-President

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Jack E. Davis, Senior Vice-President of NASH PHILLIPS/COPUS, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 30 day of August, 1986.

NOTARY SEAL


Notary Public in and for the
State of Texas

MARTHA N. BAZE
Name Printed

My Commission Expires: 11/15/89

EKA04/13/jz

09922 0598

LAHNT G

Barry Campbell Engineering, Inc.

6200 LA CALMA • AUSTIN, TEXAS 78752 • (512) 452-5528

FIELD NOTES

11.897 Acres

FIELD NOTES FOR A 11.897 ACRE TRACT OUT OF THE WILLIAM B. HARRISON SURVEY IN TRAVIS COUNTY, TEXAS AND ALSO BEING PART OF A 32.763 ACRE TRACT, CONVEYED AS 32.824 ACRES IN VOLUME 3475, PAGE 2370 OF THE TRAVIS COUNTY, TEXAS, DEED RECORDS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the Northeast corner of Valley View Estates as recorded in Plat Book 59, Page 81 of the Travis County, Texas, Plat Records for the POINT OF BEGINNING.

THENCE N. 1 deg. 40' E., a distance of 546.42 feet to the Northwest corner of said 32.763 acre tract and a point on the South R.O.W. line of Parmer Lane.

THENCE with the South R.O.W. of Parmer Lane, the following three (3) courses:

- 1) S. 59 deg. 32' E., a distance of 654.00 feet to a point;
- 2) N. 73 deg. 56' E., a distance of 30.85 feet to a point;
- 3) S. 60 deg. 39' E., a distance of 21.71 feet to a point;

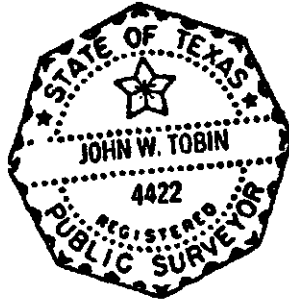
THENCE leaving the R.O.W. of Parmer Lane and through the interior of said 32.763 acre tract, the following seven (7) courses:

- 1) S. 30 deg. 13' W., a distance of 323.78 feet to a point of curve to the left;
- 2) Along said curve whose elements are: Delta, 27 deg. 00'; Radius, 400 feet; chord bears S. 16 deg. 43' W., 186.76 feet in all an arc distance of 188.50 feet;
- 3) S. 3 deg. 13' W., a distance of 80.06 feet to a point;
- 4) S. 1 deg. 01' E., a distance of 374.40 feet to a point;
- 5) S. 88 deg. 59' W., a distance of 264.98 feet to a point of curve to the right;
- 6) Along said curve whose elements are: Delta, 30 deg. 47'; Radius, 300 feet; chord bears N. 75 deg. 37' 30" W., 159.25 feet, in all an arc distance of 161.18 feet to a point;
- 7) N. 60 deg. 14' W., a distance of 15.65 feet to a point on the centerline of Shag Bark Trail and also being on the East line of Valley View Estates.

THENCE N. 1 deg. 40' E. and with the East line of Valley View Estates, a distance of 658.12 feet to the POINT OF BEGINNING and containing 11.897 acres of land.

09922 0599

Field Notes compiled from recorded deeds and plats for zoning purposes only--not based upon an actual on the ground survey.

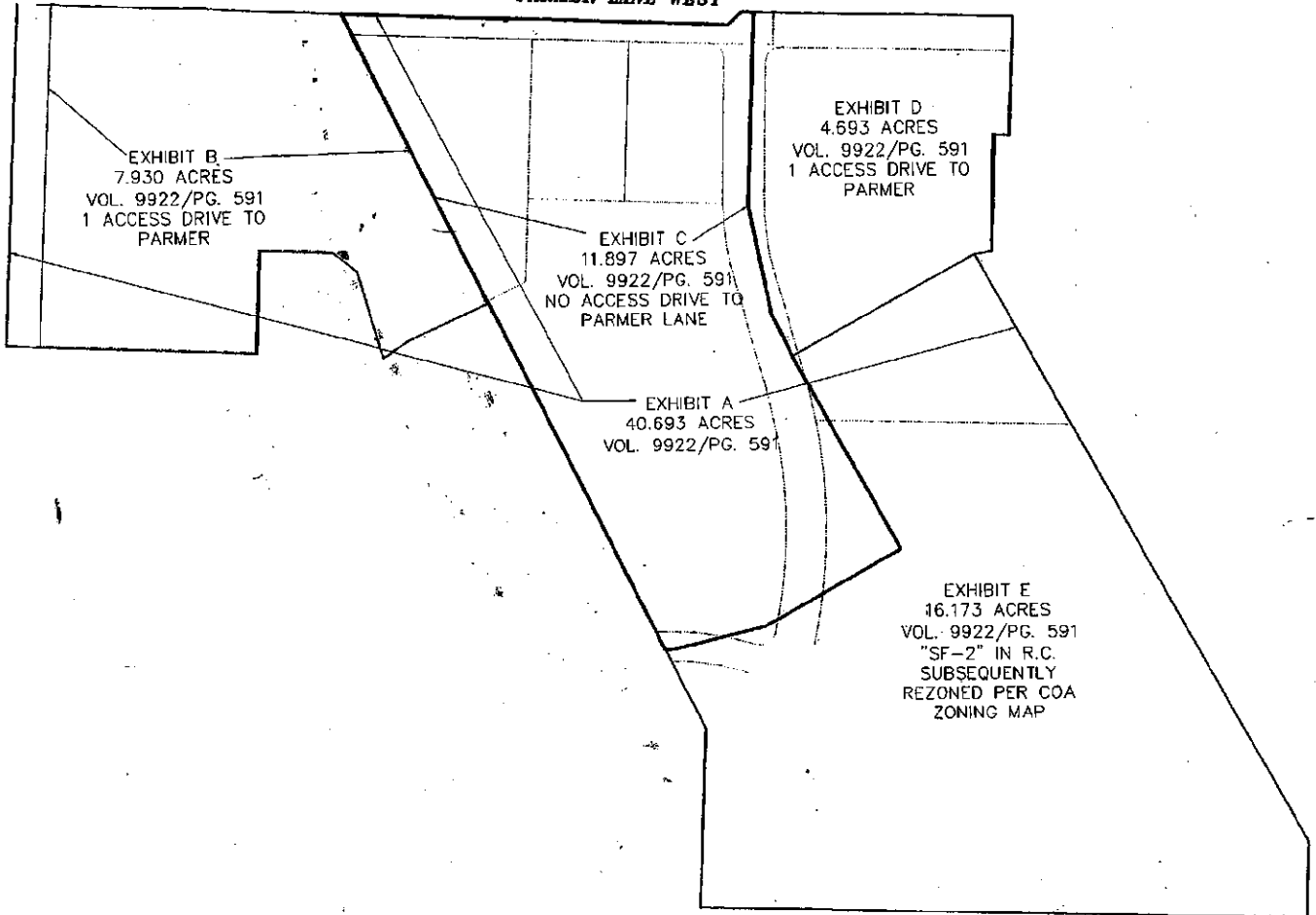


John W. Tobin

John W. Tobin, R.P.S. #4422
✓ 6-17-86

09922 0600

PARMER LANE WEST



STAFF RECOMMENDATION (April 9, 1998)

C14-98-0021

Staff recommends GR-CO, Community Commercial-Conditional Overlay, zoning subject to a level of development intensity which generates less than 2,000 vehicle trips per day.

BACKGROUND

The subject site is owned by the Parmer Lane Baptist Church. The church is proposing to develop a portion of the subject site for church expansion, and the remaining portion for commercial development.

BASIS FOR RECOMMENDATION

1. The GR zoning district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.
2. The proposed zoning is consistent and compatible with the existing commercial zoning along both sides of W. Parmer Lane.
- * 3. The tract has access to W. Parmer Lane which is classified as a major arterial.

EXISTING CONDITIONS**Zoning and Land Use**

The subject site is undeveloped and zoned MF-2. Retail development, zoned LR and GR-CO, is located directly to the west of the subject tract. Directly to the south is the Parmer Lane Baptist Church which is zoned MF-2. To the east, across Scofield Farms Dr., is a retirement home zoned IO. To the north, across W. Parmer Lane, is a retail complex zoned GR.

Impervious Cover:

The maximum impervious cover allowed for the proposed GR zoning district is 90%. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Commercial - 80% of the net site area (90% with transfers) in the uplands zone.

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

RESUBDIVISION OF LOT 4, BLOCK B,
VILLAGE AT RIVER OAKS SECTION TWOSTATE OF TEXAS:
COUNTY OF TRAVIS

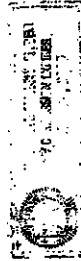
KNOW ALL MEN BY THESE PRESENTS: THAT WINDSOR PARK BAPTIST CHURCH OF AUSTIN, TEXAS, INC., A TEXAS NON-PROFIT CORPORATION, ACTING HEREIN BY AND THROUGH Edgar W. Hudgins, ITS Trustee, AND BEING OWNERS OF THAT CERTAIN 9.604 ACRES OF LAND OUT OF AND A PART OF THE WILLIAM B. HARRISON SURVEY NO. 86, ABSTRACT 382, SITUATED IN TRAVIS COUNTY, TEXAS, AS CONVEYED TO WINDSOR PARK BAPTIST CHURCH OF AUSTIN, TEXAS, INC. BY DEED RECORDED IN VOLUME 12315, PAGE 651, OF THE TRAVIS COUNTY, TEXAS REAL PROPERTY RECORDS, SAID 9.604 ACRES BEING ALL OF LOT 4, BLOCK B, VILLAGE AT RIVER OAKS SECTION TWO, A SUBDIVISION FOUND OF RECORD IN VOLUME 93, PAGES 395-397, TRAVIS COUNTY, TEXAS PLAT RECORDS, SAID SUBDIVISION APPROVED IN ACCORDANCE WITH THE NOTIFICATION AND PUBLIC HEARING PROVISIONS OF CHAPTER 212.014 AND 212.015 OF THE TEXAS LOCAL GOVERNMENT CODE, AND DOES HEREBY SUBDIVIDE SAID 9.604 ACRES OF LAND, PURSUANT TO TITLE 13 OF THE AUSTIN CITY CODE AND CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED AND IN ACCORDANCE WITH IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT, TO BE KNOWN AS "RESUBDIVISION OF LOT 4, BLOCK B, VILLAGE AT RIVER OAKS SECTION TWO", AND DO HEREBY DEDICATE TO THE PUBLIC, THE USE OF STREETS AND EASEMENTS, SHOWN HEREON, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT YET RELEASED.

WITNESS MY HAND, THIS THE 23rd DAY OF July, 1998, A.D.

Edgar W. Hudgins, Trustee
NAME/TITLE
WINDSOR PARK BAPTIST CHURCH OF AUSTIN, TEXAS, INC. Now Known
AS PARMER LANE BAPTIST
CHURCH
5900 CAMERON ROAD
AUSTIN, TEXAS 78723

STATE OF TEXAS:
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Edgar W. Hudgins, Trustee, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS ITS Trustee, AND BEING OWNERS OF THAT CERTAIN 9.604 ACRES OF LAND OUT OF AND A PART OF THE WILLIAM B. HARRISON SURVEY NO. 86, ABSTRACT 382, SITUATED IN TRAVIS COUNTY, TEXAS, AS CONVEYED TO WINDSOR PARK BAPTIST CHURCH OF AUSTIN, TEXAS, INC. BY DEED RECORDED IN VOLUME 12315, PAGE 651, OF THE TRAVIS COUNTY, TEXAS REAL PROPERTY

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 23rd DAY OF July, 1998, A.D.

Charles Y. Hudgins
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS.

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, THIS THE 26th DAY OF January, 1999 A.D.

Ray S. Vandulke
CHAIRPERSON

Ray S. Vandulke
SECRETARY

Attachment D

2-3-99

DATE:

Dwight S. Apple for
ALICE GLASCO, DIRECTOR
DEVELOPMENT REVIEW AND INSPECTION DEPARTMENT

STATE OF TEXAS:
COUNTY OF TRAVIS

I, DANA DEBEAUVOR, CLERK OF TRAVIS COUNTY DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THIS 28th DAY OF Feb., 1998, A.D. AT 4:11 O'CLOCK P.M., AND DULY RECORDED ON THE 28th DAY OF Feb., 1998, A.D. AT 4:48 O'CLOCK P.M., IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT BOOK 102, PAGE(S) 384-386.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT, THIS THE 28th DAY OF Feb., 1998, A.D.



DANA DEBEAUVOR, COUNTY CLERK, TRAVIS COUNTY, TEXAS.

BY: DEPUTY Y. GUERRA Y. GUERRA

FILED FOR RECORD AT 4:11 O'CLOCK P.M., THIS THE 28th DAY OF Feb., 1998, A.D.



DANA DEBEAUVOR, COUNTY CLERK, TRAVIS COUNTY, TEXAS.

BY: DEPUTY Y. GUERRA Y. GUERRA

GENERAL NOTES:

1. SIDEWALK NOTE: PUBLIC SIDEWALKS BUILT TO CITY OF AUSTIN STANDARDS ARE REQUIRED ALONG THE SUBDIVISION SIDE OF PARKER LANE WEST, SCOFIELD FARMS DRIVE AND SHAG BARK TRAIL, AND AS SHOWN BY A DOTTED LINE ON THE FACE OF THE PLAT. THESE SIDEWALKS SHALL BE IN PLACE PRIOR TO THE LOT BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS, OR UTILITY CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY.
2. EROSION/SEDIMENTATION CONTROLS ARE REQUIRED FOR ALL CONSTRUCTION ON INDIVIDUAL LOTS, INCLUDING SINGLE-FAMILY AND DUPLEX CONSTRUCTION, PURSUANT TO SECTION 13-7-14, LDC.
3. PRIOR TO CONSTRUCTION, EXCEPT DETACHED SINGLE FAMILY, ON ANY LOT IN THIS SUBDIVISION, A SITE DEVELOPMENT PERMIT MUST BE OBTAINED FROM THE CITY OF AUSTIN.
4. ALL SIGNS SHALL COMPLY WITH THE AUSTIN SIGN ORDINANCE, CHAPTER 13-2, ARTICLE VII.
5. THE OWNER OF THIS SUBDIVISION AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITIES FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATING MAY BE REQUIRED, AT THE OWNERS SOLE EXPENSE IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
6. THIS SUBDIVISION WAS APPROVED AND RECORDED PRIOR TO THE CONSTRUCTION AND ACCEPTANCE OF ALL STREETS AND OTHER SUBDIVISION IMPROVEMENTS. PURSUANT TO THE TERMS OF A SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE SUBDIVIDER AND THE CITY OF AUSTIN, DATED 10-24, 1994, THE SUBDIVIDER IS RESPONSIBLE FOR THE CONSTRUCTION OF ALL IMPROVEMENTS NEEDED TO SERVE THE LOTS WITHIN THE SUBDIVISION. THIS RESPONSIBILITY MAY BE ASSIGNED IN ACCORDANCE WITH THE TERMS OF THAT AGREEMENT. FOR THE SUBDIVISION IMPROVEMENTS AGREEMENT PERTAINING TO THIS SUBDIVISION, SEE SEPARATE INSTRUMENT RECORDED IN VOLUME 12300, PAGE 0004, IN THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

RESUBDIVISION OF LOT 4, BLOCK B, VILLAGE AT RIVER OAKS SECTION TWO

9. THIS SUBDIVISION IS LOCATED IN THE WALNUT CREEK WATERSHED, IS CLASSIFIED AS SUBURBAN AND SHALL BE DEVELOPED, CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF CHAPTER 13-2, ARTICLE V AND CHAPTER 13-7, ARTICLE 1 OF THE LAND DEVELOPMENT CODE. LAND IN THIS SUBDIVISION IS RESTRICTED TO THE IMPERVIOUS COVER LIMITATIONS OF SECTION 13-2-524, LDC.
10. THIS MAINTENANCE OF THE WATER QUALITY CONTROLS REQUIRED ABOVE SHALL BE TO THE STANDARDS AND SPECIFICATIONS CONTAINED IN CHAPTER 13-7-ARTICLE 1, THE ENVIRONMENTAL CRITERIA MANUAL AND OTHER ORDINANCES AND REGULATIONS OF THE CITY.
11. FOR A MINIMUM TRAVEL DISTANCE OF 25 FEET FROM THE ROADWAY EDGE, DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH SPECIFIC APPROVAL OF THE SURFACE AND GEOMETRIC DESIGN PROPOSAL BY THE DEVELOPMENT REVIEW AND INSPECTION DEPARTMENT.
12. NO FILL ON ANY LOT SHALL EXCEED A MAXIMUM OF FOUR FEET OF DEPTH AND EXCEPT FOR STRUCTURAL EXCAVATION, NO CUT ON ANY LOT SHALL BE GREATER THAN FOUR FEET, PURSUANT TO SECTION 13-7-16, LDC.
13. ALL STREETS, DRAINAGE, SIDEWALKS, WATER AND WASTEWATER LINES ARE TO BE CONSTRUCTED AND INSTALLED TO THE CITY OF AUSTIN URBAN STANDARDS.
14. THE OWNER OR HIS ASSIGNS WILL PROVIDE ACCESS AND MAINTENANCE OF THE PONDS AND EASEMENTS, AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY THE CITY OF AUSTIN FOR INSPECTION OF SAID EASEMENTS.
15. WATER AND WASTEWATER SYSTEMS SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CITY OF AUSTIN SPECIFICATIONS. PLANS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE CITY OF AUSTIN WATER AND WASTEWATER DEPARTMENT FOR REVIEW.
16. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTION IS MADE TO THE CITY OF AUSTIN WATER SYSTEM AND THE WASTEWATER FACILITY.
17. NO OBJECTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, FENCES OR LANDSCAPING SHALL BE ALLOWED IN A DRAINAGE EASEMENT EXCEPT AS APPROVED BY THE CITY OF AUSTIN.
18. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR ASSIGNS.
19. ALL SLOPES ON THIS SITE ARE LESS THAN 15 PERCENT (15%).
20. ACCESS TO SHAG BARK TRAIL IS SUBJECT TO THE CONDITIONS OF A RESTRICTIVE COVENANT RECORDED IN VOLUME 9922, PAGE 591, OF THE TRAVIS COUNTY, TEXAS DEED RECORDS.
21. WATER QUALITY CONTROLS ARE REQUIRED FOR ALL DEVELOPMENT, INCLUDING ROADWAYS WITH IMPERVIOUS COVER IN EXCESS OF 20% OF THE NET SITE AREA IN ACCORDANCE WITH SECTION 13-7-19(g), LDC.
22. FOR PARKLAND RESTRICTIONS APPLICABLE TO THIS SUBDIVISION, SEE VOL. 12300, PG. 0001 OF THE TRAVIS COUNTY, TEXAS REAL PROPERTY RECORDS.
23. THE ELECTRIC UTILITY HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THE EASEMENTS CLEAR. THE UTILITY WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER 13-7, ARTICLE II OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.
24. THE OWNER/DEVELOPER OF THIS SUBDIVISION/LOT SHALL PROVIDE THE CITY OF AUSTIN ELECTRIC UTILITY DEPARTMENT WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING, AND WILL NOT BE LOCATED AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH CHAPTER 13-7 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE.

25. THE OWNER SHALL BE RESPONSIBLE FOR INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION FOR ELECTRIC UTILITY WORK REQUIRED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. THIS ELECTRIC UTILITY WORK SHALL ALSO BE INCLUDED WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.

26. THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF AUSTIN. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR REPLATING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.

27. PRIOR TO CONSTRUCTION ON LOTS IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF AUSTIN FOR REVIEW. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS. ALL PROPOSED CONSTRUCTION OR SITE ALTERATION ON LOTS 1-4, BLOCK B, REQUIRES APPROVAL OF A SEPARATE DEVELOPMENT PERMIT.

28. ANY RELOCATION OF ELECTRIC FACILITIES SHALL BE AT OWNERS EXPENSE.

29. NO OBSTRUCTIONS MAY BE PLACED IN THE TRANSMISSION EASEMENT SUCH AS DRAINAGE, DETENTION, SEDIMENTATION ETC., WITHOUT APPROVAL OF AUSTIN ENERGY'S ENGINEERING STAFF. BECAUSE OF DEVELOPMENT IN THE AREA, ACCESS TO THE STRUCTURES MUST BE MAINTAINED AT ALL TIMES AND DRAINAGE ETC., IMPEDES OR BLOCKS ACCESS. ANY DAMAGE BY AUSTIN ENERGY TO DRAINAGE ETC., WILL BE THE EXPENSE OF THE OWNER.

30. ANY GRADING WITHIN THE EASEMENT MUST BE APPROVED BY THE ENGINEERING STAFF OF AUSTIN ENERGY. PLEASE CONTACT DAVID WOOD AT 505-7123 PRIOR TO COMMENCING ANY GRADING OR EXCAVATION WITHIN THE EASEMENT.

31. JOINT ACCESS WILL BE PROVIDED TO PARKER LANE FROM LOTS ONE(1) AND TWO(2).

32. THERE ARE NO TREES LOCATED ON THIS SITE.

33. THERE ARE NO CRITICAL ENVIRONMENTAL FEATURES LOCATED ON THIS SITE.

FLOOD PLAIN NOTE: THE 100 YEAR FLOOD PLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENT AS SHOWN HEREON. NO PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION RATE MAPS NO.48453C-0115E AND 48453C-0155E FOR TRAVIS COUNTY, TEXAS, DATED JUNE 16, 1993.

THIS SUBDIVISION PLAT WAS APPROVED AND RECORDED BEFORE THE CONSTRUCTION AND ACCEPTANCE OF STREETS AND OTHER SUBDIVISION IMPROVEMENTS. PURSUANT TO THE TERMS OF A SUBDIVISION CONSTRUCTION AGREEMENT BETWEEN THE SUBDIVIDER AND THE CITY OF AUSTIN, DATED February 18, 1999, THE SUBDIVIDER IS RESPONSIBLE FOR THE CONSTRUCTION OF ALL STREETS AND FACILITIES NEEDED TO SERVE THE LOTS WITHIN THE SUBDIVISION. THIS RESPONSIBILITY MAY BE ASSIGNED IN ACCORDANCE WITH THE TERMS OF THAT AGREEMENT.

FOR THE CONSTRUCTION AGREEMENT PERTAINING TO THIS SUBDIVISION, SEE SEPARATE INSTRUMENT RECORDED IN VOL 1376 G. 502 IN THE DEED RECORDS OF TRAVIS COUNTY, TEXAS

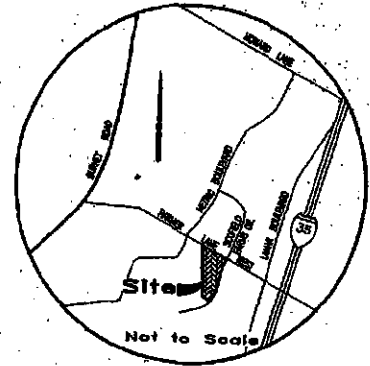
PRIOR TO ANY SITE DEVELOPMENT UPON LOT 3 THE OWNER WILL SUBMIT PLANS TO THE CITY OF AUSTIN FOR APPROVAL CONSTRUCTION AND DRAINAGE PLANS

STATE OF TEXAS:
COUNTY OF TRAVIS:

I, STEVE H. BRYSAN, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS, TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH TITLE 13 OF THE AUSTIN CITY CODE, OF 1981 AS AMENDED, IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

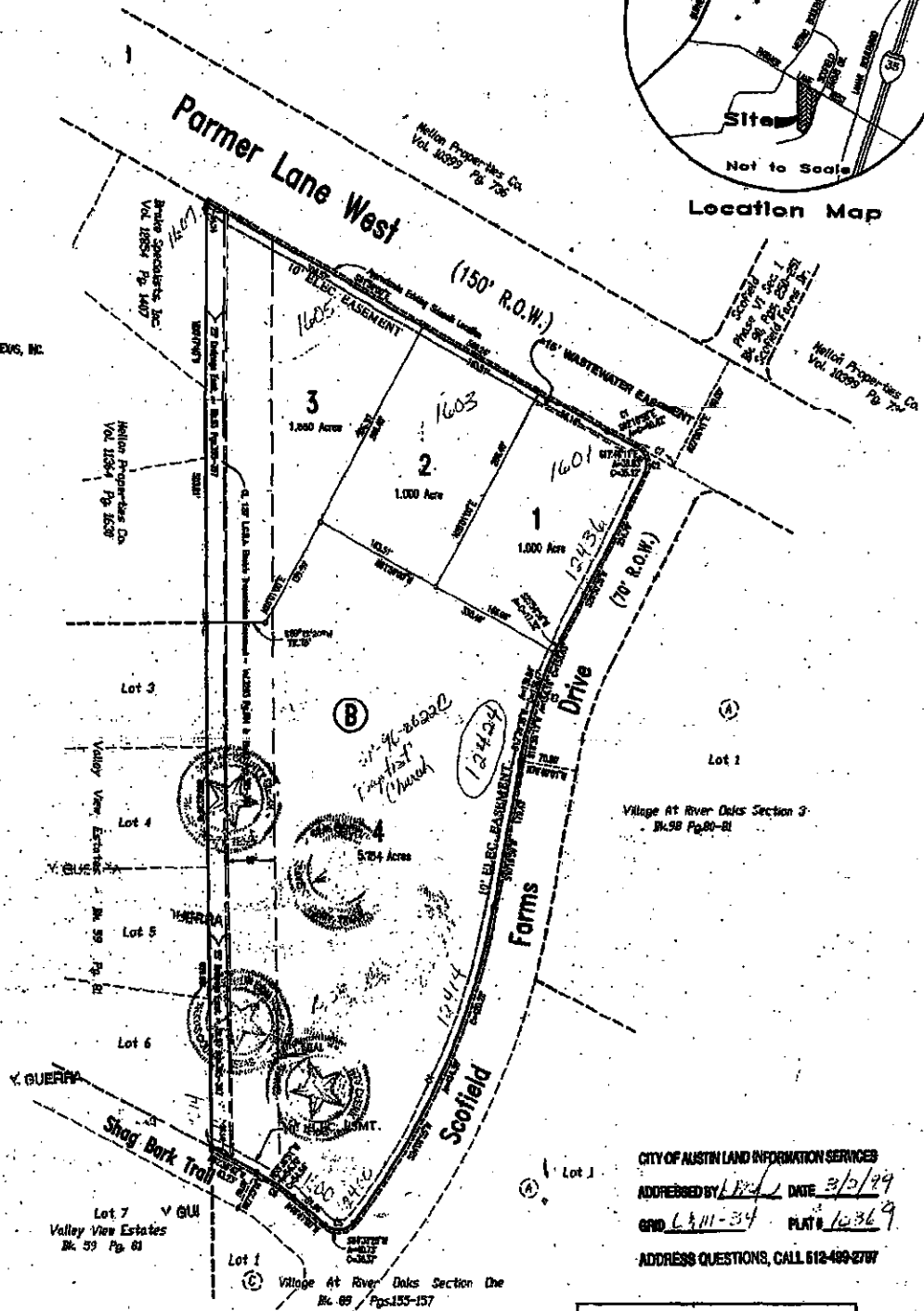
RESUBDIVISION OF LOT 4, BLOCK B, VILLAGE AT RIVER OAKS SECTION TWO

Scale: 1" = 100'



Legend

- IRON PIN SET
- IRON PIN FOUND
- CONCRETE MONUMENT SET
- CONCRETE MONUMENT FOUND
- BUILDING SETBACK LINE
- PUBLIC UTILITY EASEMENT
- DRAINAGE EASEMENT
- APPROXIMATE SENSUAL LOCATION
- OWNER: WINDSOR PARK BAPTIST CHURCH, OF AUSTIN, TEXAS, INC.
- ACREAGE: 0.804 ACRES
- SURVEY: WILLIAM B. HARRISON SURVEY NO. 382
- NO. OF LOTS: 4
- NO. OF BLOCKS: 1
- FEJLA MAP NO. 484530-0115E & 484530-0155E
- TRANS COUNTY, TEXAS DATE: 6/16/93
- 1 LOT NUMBER
- (B) BLOCK NUMBER
- DATE: May 1, 1999



FIRST AMENDMENT TO RESTRICTIVE COVENANT

This **FIRST AMENDMENT TO RESTRICTIVE COVENANT** ("Amendment") is made as of the date set forth below by Parmer Lane Baptist Church, successor-in-interest to Windsor Park Baptist Church of Austin, Texas, Inc., a Texas non-profit corporation ("Church"), the Pflugerville Independent School District ("PISD"), and the HCRI Texas Properties, Ltd. ("HCRI") as an amendment to that certain Restrictive Covenant dated August 20, 1986 and recorded in Volume 9922, Page 591 of the Real Property Records of Travis County, Texas ("Restrictive Covenant").

RECITALS

A. The Restrictive Covenant covers approximately 40.693 acres in Travis County, Texas as more particularly described in Exhibit A of said restrictive covenant and incorporated herein by reference (the "Restricted Property").

B. The Church, PISD and HCRI are all of the owners of that certain area of real property located wholly within the Restricted Property and containing approximately 11.897 acres, which tract is more particularly described in Exhibit C of the Restrictive Covenant ("Tract C") and attached hereto as **Exhibit A** of this Amendment.

C. Paragraph 13 of said Restrictive Covenant states "This agreement may be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owners of the above-described property at the time of such modification, amendment or termination."

D. The Restrictive Covenant imposes certain conditions on Tract C that the parties hereto desire to terminate.

NOW THEREFORE, the parties hereto agree as follows:

1. Recitals. The foregoing Recitals are incorporated herein for all purposes.
2. Deletion of Driveway Restriction. Paragraph 8 of the Restrictive Covenant is hereby deleted in its entirety. Accordingly, no limit is imposed by the Restrictive Covenant on driveway access to Parmer Lane from any portion of Tract C.
3. Council Approval. The City Manager, or her designee, shall execute, on behalf of the City, this Amendment of Restrictive Covenant, as authorized by the City Council of the City of Austin.

4. Miscellaneous. Except as provided herein, the Restrictive Covenant shall remain in full force and effect. In the event of a conflict between this Amendment and that of the other provisions of the Restrictive Covenant, the provision of this Amendment shall govern and prevail. This Amendment shall be recorded in the Official Public Records of Travis County, Texas upon its full execution and receipt of Council approval.

EXECUTED to be effective as of the later of the dates set forth below.

PARMER LANE BAPTIST CHURCH,
a Texas non-profit corporation
P.O. Box 270110
Austin, TX 78727-0110

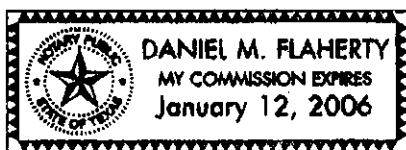
By: Edgar W. Hudgins
Edgar W. Hudgins, Trustee

Date: 1/16/04

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on _____, 2003, by Edgar W. Hudgins, Trustee on behalf of **PARMER LANE BAPTIST CHURCH**, a Texas non-profit corporation, on behalf of said non-profit corporation.



Daniel M. Flaherty
Notary Public
Name of Notary: DANIEL M. FLAHERTY
My Commission Expires: 01/12/2006

**PFLUGERVILLE INDEPENDENT
SCHOOL DISTRICT**

1401 West Pecan
Pflugerville, Texas 78660

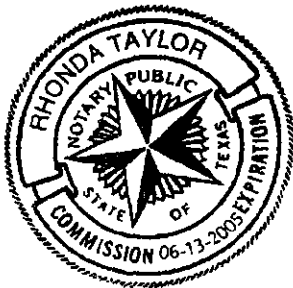
By: Elizabeth Gardner
Dr. Elizabeth Gardner, Superintendent

Date: 01-23-04

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on Jan. 23, 2003, by Dr. Elizabeth Gardner, Superintendent of the **PFLUGERVILLE INDEPENDENT SCHOOL DISTRICT**, on behalf of said independent school district.



Rhonda Taylor
Notary Public
Name of Notary: Rhonda Taylor
My Commission Expires: 6-13-05

HCRI TEXAS PROPERTIES, LTD.

One Seagate Suite 1500

Toledo, Ohio 43604

By: Health Care REIT, Inc., its general
partner

By: Erin C. Ibele
Erin C. Ibele, Vice President and
Corporate Secretary

Date: 1-22-04

ACKNOWLEDGMENT

STATE OF OHIO §
 §
COUNTY OF Lucas §

This instrument was acknowledged before me on January 22, 2004, by Erin C. Ibele, Vice President and Corporate Secretary of Health Care REIT, Inc., a Delaware corporation, and the general partner of **HCRI TEXAS PROPERTIES, LTD.**, a Texas limited partnership, on behalf of said limited partnership.

Rita J. Rogge
Notary Public

Name of Notary: _____

My Commission Expires: _____



RITA J. ROGGE
Notary Public, State of Ohio
Commission Expires 8/26/05

CITY OF AUSTIN:

By: _____
LISA Y. GORDON
ASSISTANT CITY MANAGER,
CITY OF AUSTIN

Date: _____

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

 This instrument was acknowledged before me on this the _____ day of
_____, 2004.

Notary Public
Name of Notary: _____
My Commission Expires: _____

EXHIBIT A
(Tract C Property)

EXHIBIT A

Barry Campbell Engineering, Inc.

6200 LA CALMA • AUSTIN, TEXAS 78752 • (512) 452-5528

FIELD NOTES

11.897 Acres

FIELD NOTES FOR A 11.897 ACRE TRACT OUT OF THE WILLIAM B. HARRISON SURVEY IN TRAVIS COUNTY, TEXAS AND ALSO BEING PART OF A 32.763 ACRE TRACT, CONVEYED AS 32.824 ACRES IN VOLUME 3475, PAGE 2370 OF THE TRAVIS COUNTY, TEXAS, DEED RECORDS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at the Northeast corner of Valley View Estates as recorded in Plat Book 59, Page 81 of the Travis County, Texas, Plat Records for the POINT OF BEGINNING.

THENCE N. 1 deg. 40' E., a distance of 546.42 feet to the Northwest corner of said 32.763 acre tract and a point on the South R.O.W. line of Parmer Lane.

THENCE with the South R.O.W. of Parmer Lane, the following three (3) courses:

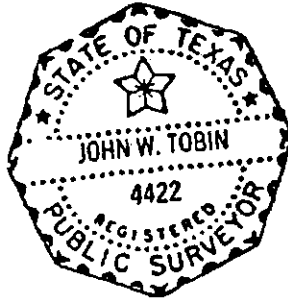
- 1) S. 59 deg. 32' E., a distance of 654.00 feet to a point;
- 2) N. 73 deg. 56' E., a distance of 30.85 feet to a point;
- 3) S. 60 deg. 39' E., a distance of 21.71 feet to a point;

THENCE leaving the R.O.W. of Parmer Lane and through the interior of said 32.763 acre tract, the following seven (7) courses:

- 1) S. 30 deg. 13' W., a distance of 323.78 feet to a point of curve to the left;
- 2) Along said curve whose elements are: Delta, 27 deg. 00' Radius, 400 feet; chord bears S. 16 deg. 43' W., 186.76 feet in all an arc distance of 188.50 feet;
- 3) S. 3 deg. 13' W., a distance of 80.06 feet to a point;
- 4) S. 1 deg. 01' E., a distance of 374.40 feet to a point;
- 5) S. 88 deg. 59' W., a distance of 264.98 feet to a point of curve to the right;
- 6) Along said curve whose elements are: Delta, 30 deg. 47'; Radius, 300 feet; chord bears N. 75 deg. 37' 30" W., 159.25 feet, in all an arc distance of 161.18 feet to a point;
- 7) N. 60 deg. 14' W., a distance of 15.65 feet to a point on the centerline of Shag Bark Trail and also being on the East line of Valley View Estates.

THENCE N. 1 deg. 40' E. and with the East line of Valley View Estates, a distance of 658.12 feet to the POINT OF BEGINNING and containing 11.897 acres of land.

Field Notes compiled from recorded deeds and plats for zoning purposes only--not based upon an actual on the ground survey.



John W. Tobin
John W. Tobin, R.P.S. #4422
6-17-86